



CODE OF FEDERAL REGULATIONS

TITLE 36. CHAPTER I

Compendium of Designations, Closures, Requests Requirements and Other Restrictions imposed under the discretionary authority of the Superintendent, Everglades and Dry Tortugas National Parks

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter I, Parts 1 through 7, authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portion of Dry Tortugas National Park under the jurisdiction of the National Park Service. These discretionary regulations are in addition to the other regulations published in Title 36 CFR, Chapter I, Parts 2 through 7. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.

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Date

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DRY TORTUGAS NATIONAL PARK COMPENDIUM

1.2(a)(1) Applicability and Scope

The regulations herein are effective within the boundaries of Dry Tortugas National Park as described in section 201 of the Act of June 28, 1980 (PL 96-287). (See Map Appendix A).

36 CFR §1.5 VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity

PUBLIC USE LIMITS:

- Camping is allowed only in the designated campground on Garden Key and designated anchorage area as defined in “Restrictions on Vessels #1”.
- Standing or sitting on the edges of the fort parapet is prohibited.
- With the exception of drinking water in non-disposable containers (e.g., canteen), possession of food and drink by visitors is prohibited within the interior of Fort Jefferson.
- Glass containers are permitted only in the designated camping and picnic areas.
- Restrictions on Vessels
 1. Anchoring between sunset and sunrise is limited to the designated anchorage area. It is defined as any area of sand and rubble bottom within one nautical mile of the Fort Jefferson harbor light, and marked on the map in Appendix C. Anchoring between sunset and sunrise in any other location is prohibited.
 2. Anchoring on coral is prohibited throughout the park.
 3. Vessels planning night activities outside the one nautical mile anchoring area must obtain advance permission from the Superintendent or his/her designee. Maximum allowable anchoring period for these activities, between sunset and sunrise, is three hours. Upon completion of authorized night activities, vessels must inform the Superintendent or his/her designee of activity completion, and either leave the park or return to the designated anchorage.
 4. Anchored vessels may not be left unattended for more than 4 hours unless the boat operator is within sight of the vessel and capable of responding to it for on board emergencies.
 5. Recreational and commercial vessels mooring, tying off to, or using the Garden Key dock are subject to the following restrictions:

- a. The dock is reserved for ferries only (operating under park permit) 10:00 A.M. to 3:00 PM.
 - b. Total allowable dock use for one day is two hours (cumulative) per vessel.
 - c. Hours of use between sunrise and sunset only (No overnight docking).
 - d. Vessels may not dock on or block designated government slips.
6. Vessels in Garden Key Harbor may not be anchored west of a line extending from SW Channel marker #12 to the white post located near the west end of Bush Key.
7. To prevent conflict and hardship, on a case by case basis, any of the periods described in this section may be further reduced or extended by the Superintendent or his her designee for circumstances involving:
 - a. Adverse weather conditions.
 - b. Mechanical failure.
 - c. Medical emergencies.
 - d. Other public safety matters.
8. Mooring at the site known locally as the Windjammer Wreck (approx. 24° 37' 25.4" North Latitude, 082° 56' 33.5" West Longitude), is limited to 2 hours.

- Fishing

Bait fish means saltwater fish such as grunts, pilchards, pinfish, and ballyhoo that are commonly utilized for sport fishing. They do not include species defined in Appendix B as ornamental tropical fish.

Cast net means a net that is commonly circular in shape, measuring 14 feet or less stretched length (stretched length is defined as the distance from the horn at the center of the net with the net gathered and pulled taut, to the lead line), is weighted around the edges and has a line attached which runs around the edge that closes the net in a drawstring-type manner when pulled. The net is commonly hand-thrown and pulled in immediately when used.

Finfish means fish of the orders Agnathia, Chondrichthyes, and Osteichthyes.

1. Taking
 - a. Only the following fish (as defined in 36 CFR 1.4(a) or parts thereof may be legally taken within Dry Tortugas National Park:
 1. Marine finfish (by rod and reel or handline only) other than ornamental tropical fish, that may be legally taken and possessed in the State of Florida. (See Appendix B for Ornamental Tropical Fish List in DRTO.)
 2. Shrimp (by dip net, not wider than 3 feet, or cast net for personal use only)
 3. Saltwater bait fish (by hook & line or cast net).
 - b. It is unlawful for any person to take or attempt to take spiny lobster (*Panularis argus*), or slipper lobster, also known as Spanish, sand, shovelnose, and bulldozer lobster (*Scyllarides nodifer*).

- c. Commercial fishermen, while in possession of commercially taken fish and/or commercial gear, or otherwise engaged in the business of commercial fishing may not fish within the park.
2. Possession
 - a. The following may be possessed, but not legally taken in Dry Tortugas National Park:
 - i. Spiny lobster (*Panulirus sp*), slipper, spanish or shovelnose lobster (*Scyllarides sp*) when taken outside the park boundary and in accordance with State of Florida legal size, season and bag limits.
 - ii. Legally speared fish acquired outside the park boundary.
 - iii. Legally taken blue crabs or stone crab claws from outside the park boundary.
 - b. Boats entering the park with lobster or speared fish on board may not allow anyone overboard in park waters, unless they are swimming from the beach in the designated swim area on Garden Key.
 - c. Ornamental Tropical Fish may be neither possessed nor taken in Dry Tortugas National Park. For the purposes of this compendium, ornamental tropical fish shall be defined as fish of species and sizes listed in Appendix B.
3. Spears, Gigs or Grains Prohibited

The use or possession of spears, gigs or grains is prohibited at all times.

VISITING HOURS:

- All keys except Garden Key are closed between sunset and sunrise.
- The interior of Fort Jefferson is closed between sunset and sunrise.

CLOSURES:

- Areas Closed to the Public

Closed to the public means that neither members of the visiting public nor property, including animals, under their ownership or control may be physically present in an area during the time period it is listed as closed.

The Interior of Fort Jefferson means all areas beyond the wood bridge entering the Fort.

1. The following areas are closed or restricted as indicated below:
 - a. Hospital Key and Long Key are closed year round. All persons and boats must remain at least 100 feet from the mean low tide mark, unless otherwise indicated by demarcation buoys or signage.

- b. The site known locally as the Garden Key Harbor Staghorn Patch (approx. 24° 37.201 North Latitude, 082° 52.156 West Longitude), including 100 yards from any portion of the formation.
 - c. Bush Key is closed for the duration of tern nesting season, as posted. During such closure, all persons and boats must remain at least 100 feet from the mean low tide mark, unless otherwise indicated by demarcation buoys or signage.
 - d. All buildings and structures on Loggerhead Key are closed to the public.
 - e. Entry into residential and service areas is prohibited, as posted.
 - f. Areas designated closed by barricades or signs.
- Closed to Fishing.
 - 1. Moat, moat wall, and within 100 feet of that part of the moat contiguous with the ocean.
 - 2. Vessels moored at the Garden Key dock.
 - 3. The reserved government boat slips at the Garden Key dock.
 - 4. The shoreline of Garden Key except the area between the south end of the north coaling dock and the north end of the south coaling dock.
 - 5. The site known locally as the Windjammer Wreck (approx. 24° 37' 25.4" North Latitude, 082° 56' 33.5" West Longitude), including 100 yards from site wreckage.
 - 6. The helipad areas, including the gasoline refueling dock.
- Closed to All Vessels
 - 1. Fort Jefferson Moat.
 - 2. Within 300 feet of the Fort Jefferson Moat wall. Paddle-craft (e.g., kayaks) are exempt.
 - 3. The dock at Loggerhead Key.
 - 4. The designated swim and snorkeling area at Garden Key (Appendix F).

II. 36 CFR §1.6 - ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the Superintendent is required:

- §1.5(d) Entering closed areas
- §2.5(a) Specimen collection (Take plant, fish, wildlife, rocks or minerals)
- §2.17 Aircraft landing in designated areas
- §2.50(a) Special Events: sporting, pageants, regattas, public spectator attractions, entertainment, ceremonies, and other similar events

- Educational activities sponsored by educational institutions and having organized agendas
- Boating or organized clubs
- §2.51(a) Public Assemblies, meeting, gatherings, demonstrations, parades, and other public expressions of views (See Appendix E and map)
- §2.52 (c) Sale or distribution of printed matter
- §2.62 Memorialization (scattering ashes from human cremation)
- 3.3 Vessels
 - Vessels larger than 50 meters (164 feet)
- §5.3 Engaging in or soliciting any business
 - For-hire fish charters or guide services
 - Sightseeing and transport cruises
 - Chartered Vessels
 - SCUBA, diving and snorkeling excursions
 - Air taxi operations
 - Photographic and bird watching tours
- §5.5 Commercial Filming (still, video and movie)
- §5.7 Construction of buildings or other facilities
 - Construction of photographic/observation blinds

III. GENERAL REGULATIONS

36 CFR §2.1 - Preservation of Natural, Cultural and Archeological Resources

(c)(1) & (2) The following fruits and berries may be gathered by hand for personal use or consumption, in accordance with the noted size, quantity, collections sites, and/or consumption restrictions:

- Coconuts that have fallen to the ground in public areas may be gathered for immediate personal consumption.
- Up to one quart of sea grapes per person may be gathered for immediate personal consumption from trees located in public areas.

36 CFR §2.3 - Fishing

The laws and regulations of the State of Florida governing size and possession limits for specific species shall apply, except as modified or limited by 36 CFR §1.5.

(e) Nets may only be used for taking bait fish only.

One day's supply of bait is defined as 5 gallons per vessel.

36 CFR §2.10 - Camping

(a) The sites and areas listed below have been designated for camping activities as noted. Conditions for camping and camping activities are in effect as noted:

- Garden Key Campground and the overnight anchorage are the only designated camping areas in the park. Campers in the Garden Key Campground must register and pay for a permit, prior to sunset, on the day of arrival.

- Motorized generators may not be operated on any Key.
- No person shall be permitted to camp/anchor at Dry Tortugas National Park for more than 14 consecutive days and a total of 30 days in a calendar year.
- Extensions of the stay limit which may be granted by the Superintendent or his/her designee under one of the following circumstances:
 - a. Unsafe weather conditions.
 - b. To facilitate an emergency repair.
 - c. Medical emergencies.
- Parties of 10 or more persons arriving without a Group Site reservation shall not receive exclusive use of that site.
- Tents must be pitched on provided tent pads, or within 10 feet of the site's designated picnic table if no tent pad is present.
- Maximum number of persons per site is 6; maximum number of tents is 3.
- Checkout time for the Garden Key Campground is 10:00 a.m.
- Once taken, campsites must be occupied. Sites may not be reserved by placing tents/gear or fee stubs for persons who will not be present.
- Persons on Garden Key without adequate food, water, and shelter may not remain overnight. Adequate food, water, and shelter are defined as: one meal; one quart of water; a waterproof tent, bivy, fly or tarp.

36 CFR §2.13 - Fires

(a)(1) Ground fires and wood fires are prohibited throughout the park.

(a)(1) Charcoal or pressed log fires are permitted on Garden Key, in portable grills, or grills provided.

36 CFR §2.14 - Sanitation

(a)(2) Visitors are responsible for collection and removal of any refuse they bring into, or create in the park.

(a)(7) Recreationally possessed fish remains may be disposed of in waters immediately adjacent to the fish cleaning station at the Garden Key Public Dock.

(a)(7) Commercially possessed fish parts may not be discarded anywhere within Dry Tortugas National Park.

(b) The discharge or deposit of sewage from any vessel, whether treated or not, in park waters is prohibited.

36 CFR §2.15) - Pets

(a)(1) Visitors' pets are prohibited inside the walls of Fort Jefferson.

(a)(5) Visitors must remove pet-generated waste from Dry Tortugas National Park.

36 CFR §2.17 -Aircraft

(a)(2) Aircraft may taxi closer than 500 feet to the Garden Key dock while enroute to or from the designated seaplane ramp on the beach north of the dock.

36 CFR §2.21 - Smoking

(a) All public buildings are closed to smoking, in accordance with DRTO Smoking Policy, which is hereby adopted and made part of these orders. (See Appendix D.)

36 CFR §2.22 - Property

(a)(2) Personal property may not be left unattended longer than 24 hours in the park without a written permit of the Superintendent or his/her designee.

- Day use items such as picnic tables are for immediate and active use only. Personal property may not be used to reserve any day use equipment for persons who are not present and actively using that equipment.
- Fuel, gasoline and diesel or other flammable fuels or hazardous substances (including empty containers) may not be stored, cached or in any way placed on any park key. Leaving such materials aboard unattended auxiliary vessels is also prohibited.
- One gallon of camp stove fuel is allowed in the Garden Key campground.

36 CFR §3.6 - Boating

(d)(1) Operating a vessel in excess of 5 mph or so as to produce a wake is prohibited in the anchorage areas at Garden and Bird Keys.

36 CFR §3.21 - Swimming

(a)(1) The following areas are closed to swimming and bathing activities:

- Swimming and snorkeling in the moat surrounding the Fort is prohibited.
- Swimming, snorkeling or scuba diving immediately adjacent to or underneath any part of the Garden Key Dock is prohibited.
- Entering or exiting the water from the moat wall is prohibited.

APPENDIX G
STATEMENTS OF FINDING IN SUPPORT OF CLOSURES
DRTO SUPERINTENDENT'S COMPENDIUM – 2006

The Superintendent of Everglades and Dry Tortugas National Parks has used the discretionary authority granted by Chapter 1, Part 1 of 36 CFR §1.5(a), and established certain closures. They are actions necessary for administration of the park in concert with its enabling legislation, NPS management policies for the benefit of the resource and the visitor. Articulations of the reasons for closures are set forth in this justification.

§1.5(a)(1) Public Use Limits

Camping

Garden Key is the only island in the park with adequate space and restroom accommodations for camping. It is prohibited on all other islands. Closure of the small islands also protects native vegetation from trampling.

Food and Drink

Possession of food and drink by visitors is prohibited inside the Fort. This restriction will prevent clutter of the historic scene by litter, attraction of insects and Norway rats that live on the island. Visitors are required to carry out their trash; disposal by burning or burying is not environmentally sound and transport on the M/V Fort Jefferson is not physically possible or cost effective.

Food and drink in glass containers must be kept in the designated camping and picnic area. The purpose of this regulation is to prevent visitor injuries by keeping glass off the beaches and other areas where people walk barefooted.

Restrictions on Vessels

1. Closure to anchoring at night throughout the park supports the protection mission of the park's enabling legislation. Coral formations easily seen and avoided in the clear waters during the daytime anchoring are difficult to circumnavigate at night. The areas around Garden Key have historically been used for anchoring and easily located at night through reference to lights and reflective markers. The areas are generally devoid of coral formations that are easily damaged by dropping, setting, and retrieving anchors. Numerous illegal fish and lobster traps have been discovered in park waters in areas where close monitoring by park staff is not possible. The anchoring restrictions also help minimize illegal spearfishing, fishing, lobster and fish trapping by bringing boats into a plainly visible and easily monitored location.
2. All islands except Garden Key are closed to landing between sunset and sunrise to protect nesting and roosting bird populations, prevent disturbance to nesting sea turtles and their eggs, and protect unattended government property on Loggerhead Key.

Fishing

1. Taking

In 1976, data collected by NPS biologists showed that legal harvesting of lobster within the park was resulting in a reduction of population numbers of about 90%. The NPS closed the park to the taking of lobsters as a result. The Gulf of Mexico Fisheries Management Council supported the closure and recommended the park be established as a sanctuary for lobster to assist in maintaining an adequate population in the waters surrounding the Dry Tortugas. The waters of the State of Florida are closed to the harvest of conch, and Dry Tortugas National Park adopts state law in that respect.

2. Possession

Visitors to the park are allowed to possess lobster and fish on their vessel that were legally harvested outside park boundaries as long as they do not allow people to swim from their vessel. This is considered “prima facie” evidence that the marine life was harvested at that spot. The only exception is people are allowed to swim in the designated swim/snorkel area at Garden Key. Allowing people with speared fish or lobster onboard to swim in the designated swim beach area only eliminated the uncertainty about the source of the harvest. It also allows them to swim but without access to their gear.

3. Spears, Gigs, or Grains Prohibited

The use or possession of spears, gigs, or grains has been prohibited by Fort Jefferson National Monument special regulations (36 CFR 7.27) The inclusion in the compendium is to assure consistency of the regulation during the transition from FOJE to DRTO.

§1.5 (a)(1) Visiting Hours

The interior of the Fort is closed at night to protect resident quarters, government equipment and historical resources. It also prohibits visitors from climbing on the walls and damaging resources or injuring themselves in the dark. The interior of the Fort, including stairwells, is unlit and the top of the Fort wall and the interior edges of the casemates have no safety rails.

§1.5(a)(1) Closures

Areas Closed to the Public

1. Hospital and Long Keys are closed to landing and visitation year round to protect bird life. The largest breeding colony of frigatebirds in the United States exists on Long Key. The threatened masked booby lives and breeds on Hospital Key, as well as other sea birds.
2. The site locally known as the Garden key Harbor Elkhorn/Staghorn Patch, located at 24°37.201n and 82°52.156w (position approximate), is closed due to the threat of a fatal disease destroying patches of staghorn and elkhorn coral (*Acropora cervicornis* and *A. palmata*). Biologists have identified the coral on this patch as “fused” staghorn (*Acropora prolifera*) which is a hybrid between staghorn and elkhorn. This coral is very rare, with this patch being one of the largest known to exist. Enhanced protection is needed to reduce the potential threat.
3. The Bush Key closure is to protect the sooty and noddly terns that nest on the island in large numbers between February and the end of September. This island is the site of the largest nesting colonies of these two species in the continental United States.

Closed to Fishing

1. The moat, moat wall and within 100 feet of that part of the moat contiguous with the ocean receives a large number of swimmers and snorkelers. Fishing in this area would create a hazardous and unsafe environment for swimmers. Alternate fishing sites are available at Garden Key.
2. The docks, helipads and vessels moored at the Garden Key dock are closed to fishing to assure the safety and protection of persons and property moving about the dock and helipad areas.
3. The site locally known as the Windjammer Wreck is the premier snorkeling and diving wreck in the park. It is visited by a large number of private boaters and some IBP holders, who utilize it for the snorkeling and diving tours. It is identified with a mooring buoy that allows immediate access to the wreck site without damaging the bottom corals and grass beds. The no fishing regulation has three major benefits: 1)

avoid creating hazardous and unsafe conditions between divers and fishermen, 2) preserves the underwater cultural resource by preventing degradation of the wreck with discarded fishing lines and lures, and 3) increases the opportunity for divers to observe a variety of mature fish that inhabit the wreck.

Closed to All Vessels

The moat wall around Fort Jefferson receives a large number of swimmers and snorkelers. A 300-foot buffer prohibiting vessels other than paddle crafts will provide for the safety of the swimmers by eliminating any vessel/swimmer contact.

§2.1(c) Gathering of Natural Products

The previous regulations that allowed the taking of one quart of unoccupied shells above the high-tide line is rescinded. This regulation was confusing to the public and resulted in noncompliance. Many visitors wanted a “souvenir” to take home with them which at times included large amounts of shells or queen conch shells. The general management plan amendment (GMPa) identifies a mission goal of the park as having the type and level of public use which does not negatively impact natural resources. In keeping with this mission, the park will no longer allow the taking of unoccupied shells. The gathering of sea grapes and coconuts for immediate personal consumption does not have the same negative impacts as the taking of shells and therefore will still be allowed.

§2.14 Sanitation

(a)(7) Commercial Fishing and Disposal of Fish Remains

Commercial fishing is prohibited within Dry Tortugas National Park. Due to the popularity of commercial fishing that occurs outside park boundaries, numerous commercial fishing vessels seek safe harbor within the park. The commercial fishing process is not merely catching fish, but a series of actions that begins with the catch and ends with the sale of the fish to the wholesaler. Cleaning fish for transport and sale is part of the commercial fishing process. The biological effects of discharging large amounts of fish remains are not favorable in an environment where the type of process does not naturally occur and it creates a negative experience for visitors. The mission of Dry Tortugas National Park is to preserve a pristine marine coral reef resource and provide present and future visitors the opportunity to enjoy it. Allowing the dumping of fish wastes, a byproduct of commercial fishing activity, can hinder fulfillment of that mission.

§2.14 (b) Discharge of Sewage From Vessels

To assure the highest possible water quality, free of bacteria and chemical contamination, for health and safety reasons as well as to maintain the park’s pristine environment, the discharge or depositing of sewage (treated or untreated) from any vessel in the park is prohibited.